IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1388 OF 2005

Sarjerao Maruti Lokhande .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri R.S. Kate for the Applicant.
Shri V.B.Konde-Deshmukh,APP for the Respondent- State.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 07, 2005

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. Indeed there is material to indicate that the applicant caused cruelty to the deceased by hurling abuses as well as by beating her and also by demanding money. However, the question is whether the applicant is responsible for the offence under section 306, having abetted suicide committed by the deceased. It is seen that the incident in question took place on 21st February, 2004. The deceased was admitted in the government Hospital initially but at the instance of her relative she was discharged from the hospital and

provided medical treatment at her residence, where the deceased succumbed to injury perhaps for want of proper treatment. In this background, the argument is that in all probability deceased succumbed to injury because of lack of proper medical care and had she continued to be treated in the government hospital, where she was initially admitted, she would have survived the injury and in that eventuality, the case at the best would have come under section 309 of the I.P.C.. There is force in this contention. If this contention is to be accepted at the trial, the applicant cannot be found guilty of offence under section 306 of I.P.C.. For the other offence, for which the applicant is tried, the maximum punishment is three years. The applicant is already in custody for almost one year. There is no possibility of early trial. As the investigation is complete and the chargesheet has been filed and as the co-accused are also released on bail, the applicant is also entitled for bail but on the following strict conditions :-

(a) The Applicant is directed to be released on bail in connection with C.R.No. 31/2004, registered with Phaltan Police Station, on executing personal bond in the sum of Rs. 10,000/- (Rs. Ten thousand

only) with two local sureties in the like amount.

(b) The Applicant shall not enter the jurisdiction of Phaltan Police Station during the pendency of the trial.

(c) The applicant shall report to the nearest police station where he intends to reside once in a fortnight on Saturday between 10 a.m. to 2 p.m..

(d) The applicant shall inform his place or residence to the investigating officer as well as to the trial court within one week from the date of his release.

(e) The Applicant shall extend full co-operation to the trial court for early disposal of the trial. If the trial court is of the opinion that he is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

(f) The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

3. Ordered accordingly.

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